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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/520,123	03/07/2000	DIETMAR DETERING	21164	9814

535 7590 07/31/2003

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EXAMINER

POINVIL, FRANTZY

ART UNIT	PAPER NUMBER
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3628

DATE MAILED: 07/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/520,123

Applicant(s)

DETERING, DIETMAR

Examiner

Frantzy Poinvil

Art Unit

3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 April 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 27-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 27-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Continued Prosecution Application

1. The request filed on 4/23/03 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 60/125,027 is acceptable and a CPA has been established. An action on the CPA follows.

Abstract

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because it contains legal phraseology such as "the invention". Correction is required. See MPEP § 608.01(b).

Objection

3. The Bibliography page, namely page 31 should be removed from the specification, as the noted references should be submitted in the Information Disclosure Statement (IDS), PTO form 1449.
4. Claims 27-32 are objected to because of the following informalities:

As per claim 27, line 6, the Examiner suggests replacing “use” with -used-for grammatical purposes. On line 9, “consumers” is advised to be changed to - -consumer records- - for clarity purposes. On line 11, the Examiner also suggests replacing “use” with - -used- - for grammatical purposes. On line 22, the applicant is advised to remove the extraneous matter. On line 25, the Examiner suggests replacing “use” with -used - - for grammatical purposes. On line 28, the Examiner suggests changing “the whole group” to - - said group- -. On line 30, the Examiner suggests replacing “use” with - -used- - for grammatical purposes.

As per claims 28-32, the Examiner suggests replacing “use” with -used-for grammatical purposes or for proper antecedent purposes wherever deemed applicable

Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. Claims 27-32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claim 27, line 6, “the marginal costs” lacks clear antecedent basis. On line 22, “the pivotal voter” lacks clear antecedent basis. On line 20 it is unclear as to what the outcome would swing to. On line 32, it is unclear of what is being excluded. Thus, the phrase “excluding same” is unclear. On line 33, “use rights” should be changed to -used rights - -. On lines 29-30, “the sample’s revealed willingness to pay” lacks clear antecedent basis.

As per claim 28, “the supplier” lacks clear antecedent basis. On line 4, the phrase “her good” renders the claims vague and indefinite.

As per claim 29, line 2, the Examiner suggests changing “consumers” to - -consumer records- - for clarity purposes.

As per claim 30, lines 1-2, “the voting process” lacks clear antecedent basis. One lines 2-3, “the suppliers” lack clear antecedent basis.

Allowable Subject Matter

6. Claims 27-32 are allowable over the art of record.

The prior art taken alone or in combination failed to teach or suggest the steps of causing said sample to vote on said offered use rights by members of said sample stating their willingness to pay for either accepting or rejecting said offer and collecting any pivotal payments from any member of said voting sample whose stated willingness to pay for a certain outcome alone was sufficient to swing the outcome from one undesirable to him or her, said pivotal payment comprising a margin between all pro and contra votes while either in or excluding the vote of the pivotal voter under consideration as recited in independent claim 27.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantzy Poinvil whose telephone number is (703) 305-9779. The examiner can normally be reached on Monday-Thursday 7:00AM-5:30PM.

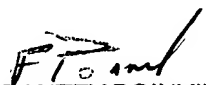
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sam Sough can be reached on (703) 308-0505. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

FP

Monday, July 21, 2003


FRANTZY POINVIL
PRIMARY EXAMINER
